



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,189	10/21/2003	William G. Bennett	50T5387.01	3667
<div>27774 7590 11/27/2007</div> <div>MAYER &amp; WILLIAMS PC 251 NORTH AVENUE WEST 2ND FLOOR WESTFIELD, NJ 07090</div>				
			EXAMINER PAUL, DISLER	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/690,189	BENNETT, WILLIAM G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Disler Paul	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Response to Arguments***

The applicant's argument in regard of the "querying the user and upon selecting the audio source or channel" has been considered and are persuasive.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7,11,14 ,25 are rejected under 35 U.S.C. 102(e) as being anticipated by Gibson ("US 2003/0091204 A1").

Re claim 1, Gibson disclose a method for processing audio from one or more sources ("fig.1-2") comprising : providing an adjustable audio setting for each of the one or more sources that can be set by a user ("fig.1/(14a-14n);fig.17 ; page 3[0033] line 4-7:  
individual/selected characteristic of signals can be adjusted by user"); the controlling an audio signal of a selected source in

Art Unit: 2615

accordance with an established adjustable setting set by the user before sending the selected source to one or more speakers (fig.2 wt (520; page 3 par[0039-0040]; page 1 par[0009]/controlling with processor).

Re claim 2, the method according to claim 1, wherein the adjustable audio setting includes a gain offset ("par[0003,0033]").

Re claim 3, the method according to claim 1, wherein the adjustable audio setting includes a balance setting ("Gibson,page 6 [0073] line 17-19/volume balance can be obtain by equalization").

Re claim 4, the method according to claim 1, wherein the adjustable audio setting includes a tonal setting ("page 5[0056]/audio effect in which audio frequency or tone may be manipulated").

Re claim 5, the method according to claim 1, further teach of the providing comprises providing an adjustable setting for each channel of a television received signal ("fig.1/14a---14n): individual setting for each source and page 1[0008]; both image and audio signals may be control by user see fig.17 and further page 7[0085] line 9-11").

Art Unit: 2615

Re claim 6, the method according to claim 1, wherein the providing further comprises providing an adjustable setting for each type of audio source ("fig.1/14a---14n): individual setting for each source").

Re claim 7, the method according to claim 6, wherein each type of audio source includes one or more of the following: Dolby, Dolby 5.1, Dolby 6.1, PCM, and analog ("page 1[003] line 6/source may be in analog").

Re claim 11, the method according to claim 1, further comprising querying the user upon the user selecting a source or a channel of a source for which no adjustable setting has been entered as to whether the user wishes to enter an adjustable setting for the selected source or channel (fig.3; par[0043]/querying with using window for which has parameters for user to enter setting).

Re claim 14, Gibson disclose of the apparatus for processing audio from one or more sources comprising: a user interface via which a user can select an adjustable setting for an audio signal from each of the one or more sources; and an audio processor receiving an audio signal from a selected one of the one or more sources

("fig.1/processor/controller (14a---14n) selected channel may be sent to processor (15) to receive select audio info & page 1[0003] line 4-

Art Unit: 2615

9; page 3 [0043] line 7-10/out of all the channels with different audio, each channel may be selected for choosing specific audio")");  
and adjusting a response of the audio signal from the selected one of the one or more sources in accordance with the user selected adjustable setting and sending the adjusted audio signal to be output over one or more speakers ("fig.21 / processed audio source adjusted with (14a-14n) may be sent to speakers (20) via output (11n)");

Wherein the user interface queries the user upon the user selecting a source or a channel of a source for which no adjustable setting has been entered as to whether the user wishes to enter an adjustable setting for the selected source or channel (fig.3; par[0043]/querying with using window for which has parameters for user to enter setting).

Re claim 25, has been analyzed and rejected with respect to claim 1.

3. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson ("US 2003/0091204 A1") and further in view of Heyl ("US 2002/0057809 A1").

Re claim 8, the method according to claim 1, However, the teaching of Gibson, fail to teach of the limitation of the adjustable setting includes a gain offset that can be selected in predetermined steps. But, Heyl disclose of a system in which the adjustable setting includes a gain offset that can be selected in predetermined steps ("fig.2-4;page 1 [0007]") for the purpose of enabling the simultaneous

Art Unit: 2615

processing of multiple audio and video input signals. Thus, taking the combine teaching of Gibson and the added Heyl as a whole, it would have been obvious for one of the ordinary skill in the art to modify Gibson, by incorporating the adjustable setting includes a gain offset that can be selected in predetermined steps for the purpose of enabling the simultaneous processing of multiple audio and video input signals as taught by Heyl.

Re claim 9, the method according to claim 1, However, the teaching of Gibson, fail to disclose of the adjustable setting includes a gain offset that ranges from -4 db to +4 db in 2 db increments. However, Official Notice is taken that the limitation of adjustably setting includes a gain offset that ranges from -4 db to +4 db in 2 db increments is the inventor's preference, thus it would have been obvious for one of ordinary skill in the art to adjust the setting from -4db to +4 db in 2 db increment for purpose of enabling the simultaneous processing of multiple audio and video input signals.

Re claim 10, the method according to claim 1, has been analyzed and rejected with respect to claim 9.

Claims 12-13,23-24, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson ("US 2003/0091204 A1") and further in view of official notice.

Re claim 12, the method according to claim 11 wherein having the adjustable setting for the channels being stored (page 3 par[0035-0036]), and furthermore the having a mix with audio parameters being stored for doing adjustment (page 3[0036-7; fig.3;page 5[0055]; page 7 par[0084-5]) However, the teaching of Gibson as a whole, fail to disclose of the specific further comprising storing a received adjustable setting, entered by the user, in a table in association with the selected source or channel for which no adjustable setting had previously been entered when selected by the user but subsequently entered by the user. However, official notice is taken the concept of storing adjustable setting, enter by a user in a table for subsequent use is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art to have modify the teaching of Gibson, by incorporating the similar concept of storing adjustable setting, enter by a user in a table for subsequent use for creating sound effect.

Re claim 13, the teaching of Gibson, teach the method according to claim 12, further comprising controlling an audio response of the



Art Unit: 2615

audio associated with the selected source or channel for which adjustable setting had been entered when selected by the user in accordance with the received adjustable setting subsequently entered by the user ("fig.2 with (52)").

Re claim 23-24, has been analyzed and rejected with respect to claims 12-13.

Re claim 26, the computer readable media according to claim 26, wherein the programming instruction further cause the processor to:: query the user upon the user selecting a source or a channel of a source for which no audio adjustment has been entered as to whether the user wishes to enter a an audio adjustment for the selected source or channel (page 3 par[0043]).

The teaching of Gibson, teach of the storing a received gain offset in a table in association with the selected source or channel for which no audio adjustment had been entered when selected by the user (see claim 12 rejection); the control an audio response of the audio associated with the selected source or channel for which no

audio adjustment had been entered when selected by the user in accordance with the received audio adjustment subsequently entered by the user (fig.2 (52)).

4. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson ("US 2003/0091204 A1") and further in view of Heyl ("US 2002/0057809 A1").

Re claim 16, the apparatus according to claim 14, wherein the user interface comprises a graphical user interface via which a user can select one of a gain offsets, which are then used by the audio processor to adjust the gain("page 3[0033] line 4-7; page 4[0049] line 10-11/adjustment of gain by holographic controller").

While, Gibson disclose of the above limitation, he fails to disclose of the gain offset to be of a predetermined number. But, Heyl disclose of a system in which the adjustable setting includes a gain offset that can be selected in predetermined steps ("fig.2-4;page 1[0007]") for the purpose of enabling the simultaneous processing of multiple audio and video input signals. Thus, taking the combine teaching of Gibson and now the added Heyl as a whole, it would have been obvious for one of the ordinary skill in the art to modify Gibson, by incorporating the adjustable setting includes a gain offset that can be selected in predetermined steps for the purpose of

Art Unit: 2615

enabling the simultaneous processing of multiple audio and video input signals as taught by Heyl.

Re claim 17, has been analyzed and rejected with respect to claim 16 above.

Re claim 18, the apparatus according to claim 17, wherein the predetermined number of audio adjustments includes a balance setting in predetermined steps ("page 6 [0073] line 18-19").

Re claim 19, the apparatus according to claim 18, wherein the predetermined number of audio adjustments includes a tonal setting in predetermined steps ("page 6 [0073] line 17-19/volume balance can be obtain by equalization").

Re claim 20, the apparatus according to claim 14, wherein the user interface provides the user the opportunity to select one of a number of audio adjustments for each of the one or more sources ("page 1 [0003] line 4-9; page 3 [0043] line 7-10/out of all the channels with").

Art Unit: 2615

different audio, each channel may be selected for choosing specific audio"), which is then used by the audio processor to adjust an audio response of the audio signal when said each of the one or more sources is selected by the user ("selected is sent to processing (15)").

While, Gibson disclose of the above, he fail to disclose of the predetermined number of audio adjustment, However, Heyl disclose of a system in which the adjustable setting of audio that can be selected in predetermined steps ("fig.2-4;page 1[0007]/gain adjustment in predetermined number") for the purpose of enabling the simultaneous processing of multiple audio and video input signals. Thus, taking the combine teaching of Gibson and now the added Heyl as a whole, it would have been obvious for one of the ordinary skill in the art to modify Gibson, by incorporating the adjustable setting of audio that can be selected in predetermined steps for the purpose of enabling the simultaneous processing of multiple audio and video input signals as taught by Heyl.

Re claim 21, also have been analyzed and rejected with respect to claim 20.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson ("US 2003/0091204 A1") and further in view of Official Notice.

Art Unit: 2615

Re claim 15, the apparatus according to claim 14 with the user interface for adjustment associated with a source or channel (fig.1), But Gibson fail to disclose of the further comprising a storage unit with the *storing a table*, for each value for which is received with the associated with a source or a channel within a source.

However, official notice is taken the concept of having a storage unit with a table and have each value with associated source is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art to have modify the teaching of Gibson, by incorporating the similar concept of having a storage unit with a table and have each value with associated source for creating sound effect.

Gibson further teach of, further teach of said audio processor retrieves one or more particular values when a particular source or particular channel within a source is selected by the user; and said one or more particular values are associated with said particular source or particular channel within a source ("Gibson; fig.1/(15)-selected channel may be sent to process (15)/with values corresponding to particular channels").


***contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-272-2222. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP

  
VIVIAN CHIN  
SUPERVISOR PATENT EXAMINER  
TECHNICAL CENTER 2000